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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, as Administrator and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff, vs. **LFP PUBLISHING GROUP, LLC d/b/a Hustler Magazine, MARK SAMANSKY**, an individual, and other distributors and sellers of Hustler Magazine, as Defendants X, Y, and Z, Defendants.	Civil Action No. 1:08-cv-00421-TWT

DEFENDANT LFP PUBLISHING GROUP, LLC'S MOTION TO DISMISS

Defendant LFP PUBLISHING GROUP, LLC, d/b/a Hustler Magazine ("LFP") by its undersigned attorneys, hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure that the Court dismiss the Complaint of Plaintiff Maureen Toffoloni, as Administrator and Personal Representative of the Estate of Nancy E. Benoit, for failure to state a claim upon which relief may be granted.

The grounds in support of this Motion are fully set forth in the accompanying Brief in Support of its Motion to Dismiss, demonstrating that the allegations of the Complaint do not assert claim for relief against Defendant LFP.

Dockets.Justia.com

This 8th day of April, 2008.

Respectfully submitted,

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LFP Publishing Group, LLC
d/b/a Hustler Magazine

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **DEFENDANT LFP PUBLISHING GROUP, LLC'S MOTION TO DISMISS** upon Plaintiff in the above-captioned action by depositing a copy of the same in the United States Mail, with sufficient postage thereon, addressed to except as otherwise noted:

Richard P. Decker, Esq.
Decker, Hallman, Barber & Briggs
260 Peachtree Street, N.W.
Suite 1700
Atlanta, Georgia 30303

This 8th day of April, 2008.

Barry J. Armstrong
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